



C A No. Applied For
Complaint No. 367/2023

In the matter of:

Nutan JainComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat A Alvi, Member (CRM)
3. Mr. P.K. Agrawal, Member (Legal)
4. Mr. S.R. Khan, Member (Technical)
5. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Suraj Aggarwal, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Ms. Shweta Chaudhary & Ms. Chhavi Rani, On behalf of BYPL

ORDER

Date of Hearing: 07th December, 2023

Date of Order: 15th December, 2023

Order Pronounced By:- Mr. S.R. Khan, Member (Tech.)

1. The brief facts of the case giving rise to this grievance are that complainant Mr. Nutan Jain applied for new connection vide application no. 8006551651 at premises no. P. No. 10/16, 3rd floor, Kh. No. 10/15, 9/11/2, 9/11/3, Gali No. 5A, Johripur, Jawahar Nagar Industrial Area, Delhi-110094, but respondent rejected his applications for new connection on the pretext of requirement of ESS space required.

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Secretary
CGRF (BYPL)

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2. OP in its reply briefly submitted that complainant is seeking fresh industrial electricity connection of 11 KW at P.no. N/16, third Floor, Khasra No. 10/15, 9/11/2, 9/11/3, Gali no. 5A, Johripur, Jwahaar Nagar, Industrial Area, Delhi-110094. OP further added that on receipt of application of the complainant site was visited and it was found that premises consists of ground plus three floors. At the time of site visit on third floor approximately 40 stitching machines were found. The entire building is owned by same person having built up area of approx. 1100 sq m.

Complainant earlier also applied for new connection and same was rejected for want of space for ESS. Further the existing transformer in the subject area is overloaded and hence it is not possible to grant any three phase connection.

Complainant again applied by manipulating the ownership documents in order to show build up area to be less than 100 sq m as required in terms of Clause 6 (4) of Schedule of Charges. As per the latest amendment now the requirement of build up area stands enhanced in 2000 sq m. However, yet respondent is not in position to release the three phase connection as existing system is already overloaded.

With the passage of time in terms of Regulation 6 (4) there has been increase in plot size and built up area. At present the requirement of plot size is 600 sq meters and build up area is 2000 sq m. The total load capacity of building remains unchanged to 100 KWA.

3. The counsel of the complainant submitted that as per Regulation 11(4)(ii)(a) of DERC (Supply Code and Performance Standards) Regulations 2017 Connection where system augmentation is required in electrified areas:-

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a. The Licensee shall not deny new connection as long as the peak load including the load capacity of the new connection on the applicable distribution transformer falls within and up to 90% of the rated capacity of the transformer.

He also stated that his property is 321 Gaj (268.39 metre) and plot in question was purchased by the complainant on 05.06.2018 from Sh. Gurjeet Singh Khaturia (HUF) and Sh. Gurjeet Singh Khaturia purchased the plot of size 641 Gaj on 07.07.2008 and at that time Regulations of 2017 were not prevailing, therefore OP's contentions are denied.

Counsel of the complainant also files photographs showing that the machines in his premise are ranging between 400W to 550W only. Total load not exceeding to 20KW.

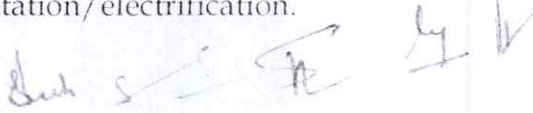
4. During the course of hearings, it was admitted by both the parties that present area is declared as an industrial area but no development work has been done in the area as there is no authority or body who has been assigned the present area for development as a consequence there is no space for sub-station in the area.

On joint efforts of land owners/occupants of subject area, a plot of land has been shortlisted for installation of sub-station which will be soon handed over to respondent. Immediately on receiving the possession and completion of installation of sub-station, electricity will be provided to applicants including the complainant.

The complainant insists that his application for new connection is complete in all aspects and the same should be accepted and demand note be issued in terms of Regulation 11 as reason for non-granting fresh electricity connection is not a deficiency in his application but want of augmentation/electrification.

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In this regard, OP stated that till the area is augmented/electrified no demand note can be issued.

5. Heard both the parties and perused the record.
6. In view of the above, we are of considered opinion that once the ESS is installed OP should consider the request of complainant for new connection on top priority and install the new connection accordingly.

ORDER

Complaint is allowed. OP is directed to release the new connection to the complainant after completion of all the commercial formalities and installation of ESS.

The OP is also directed to file compliance report to this office.

The case is disposed off as above.

No order as to the cost. Both the parties should be informed accordingly.
Proceedings closed.

(P K SINGH)
CHAIRMAN

(S.R. KHAN)
MEMBER-TECH

(NISHAT AHMAD ALVI)
MEMBER-CRM

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Secretary
CGRF (BYPL)

(P.K.AGRAWAL)
MEMBER-LEGAL

(H.S. SOHAL)
MEMBER